



Department of Utilities  
Office of the Director

CITY OF SACRAMENTO  
CALIFORNIA

1395 35<sup>th</sup> Avenue  
Sacramento, CA 95822-2911  
phone (916) 808-1400  
fax (916) 808-1497/1498

May 14, 2009

Ms. Delores Brown  
Chief, Office of Environmental Compliance  
Department of Water Resources  
PO Box 942836  
Sacramento, CA 94236

**Subject: Comments in response to Revised Notice of Preparation – Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan**

Dear Ms. Brown:

The City of Sacramento (City) appreciates the opportunity to offer comments on the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that will be prepared to evaluate the environmental impacts of a proposed Bay Delta Conservation Plan (BDCP).

The City of Sacramento provides a domestic water supply, wastewater collection and treatment services, as well as stormwater collection and disposal to the residents of the City. The City designed, operates and maintains its wastewater and stormwater systems in accordance with its National Pollutant Discharge Elimination System (NPDES) permit issued by the State of California, providing protection of beneficial uses of the Sacramento River and Sacramento-San Joaquin Delta. The City is very concerned with the health of the Delta and the tributary watersheds, including the recent population-level decline of multiple fish species, and supports the goal of the BDCP to improve the long-term ecological productivity and sustainability of the Delta.

The City of Sacramento has concerns in the following areas relative to the BDCP:

- Need for improved stakeholder involvement
- Application of sound science in the development and evaluation of conservation measures
- Relationship to other Delta planning efforts
- Need to fully mitigate all impacts of the project
- Project impacts on the local community and the upstream tributaries



CITY OF SACRAMENTO  
DEPARTMENT  
OF UTILITIES

*Making a Difference in Your Neighborhood*

#### Need for Expanded Stakeholder Involvement

A major concern of the City's is that the BDCP process is lacking in representation by Central Valley stakeholders, particularly Delta stakeholders. The City is supportive of the Sacramento Regional County Sanitation District's concern that the BDCP evaluation and ongoing process should address Central Valley stakeholders and other stakeholders not represented on the BDCP steering committee or in other aspects of the ongoing collaboration between state and federal agencies and water agencies.

Expanded stakeholder involvement will help ensure that the Project and EIR/EIS rely on the best available scientific knowledge and also will help in identifying reasonable and feasible alternatives that should be considered in the BDCP Draft EIR/EIS.

#### Application of Sound Science in the Development and Evaluation of Conservation Measures

For the BDCP to gain public support, and for conclusions about the effects of conservation measures to withstand scrutiny, such measures must be based on sound science and substantial evidence. The City is concerned that discussion of the potential effects of "Other Stressors" repeatedly identifies the Sacramento Regional Wastewater Treatment Plant discharge as a contributor to the ecosystem decline without sound science to support this view.

The ability of the project to meet biological goals is highly dependent on hypothetical habitat restoration activities in zones outside the pathways of through-Delta conveyance, and the project area, such as Suisun Bay. Restoration activities in adjacent areas to the project location are unique to this project and should be evaluated as offsets under the Clean Water Act. In debating the relative merits of the proposed alternatives in the EIR/EIS, the greatest weight should be placed on the outcomes which are more certain: changes to baseline hydrology and water quality owing to the timing, location, and quantity of water export.

#### Relationship to Other Delta Planning Efforts

The relationship of the BDCP planning and decision making effort to other ongoing planning efforts, whether state, local, or regional, should be clearly addressed in the EIR/EIS. Delta legislative efforts could change the outcome of the BDCP and thus are relevant to the feasibility of the project and any alternatives or mitigation measures and should be considered in the EIR/EIS.

#### Need to Fully Mitigate All Impacts of the Project

The EIR/EIS should state that an objective of the selected project will be to avoid unintended impacts on third parties. The selected project should avoid or fully mitigate changes in water or wastewater treatment and other impacts for residents of the Central Valley or the Delta that would not otherwise occur in the absence of the project(s) considered in the BDCP. The impacts of any such changes must be considered in evaluating the environmental costs and benefits of the BDCP. If the BDCP results in a need to increased wastewater or stormwater treatment in specific communities, such treatment could result in significant environmental impacts, including



Ms. Delores Brown Letter  
Comments in Response to Revised NOP – EIR/EIS for Bay Delta Conservation Plan  
Page 3  
May 14, 2009

increased energy use and greenhouse gas emissions, as well as other air quality impacts. These secondary impacts must be disclosed in the EIR/EIS, and the beneficiaries of water diversions from the Delta should be accountable for fully funding any necessary mitigation.

To that end, the BDCP and EIR/EIS should state that the funding for the selected BDCP project will be fair and equitable to stakeholders in the Central Valley and will be financed, in large part, by the beneficiaries of water diversions from the Delta or general bond obligations where the people of the state of California benefit.

#### Project Impacts

It appears that many or all of the alternatives will result in degraded water quality in the Delta due to the diversion of higher quality Sacramento River flows from the Northern portion of the Delta. A key element of the BDCP is the construction of new intake facilities on the Sacramento River between south Sacramento and Walnut Grove to allow the diversion of Sacramento River water directly into the SWP and CVP intake pumps located in the South Delta. Depending on the location, amount and timing of water withdrawn into the peripheral canal, the net water quality effect in the Delta in other Delta locations below the diversion point will be an increased influence of the San Joaquin River and San Francisco Bay.

In addition, the City is also concerned relative to the potential impacts of constructing a large diversion facility near City residences. Recent experience has shown that significant impacts are probable. These impacts must be identified and mitigated as the project progresses.

The City of Sacramento appreciates the opportunity to provide these comments at this stage in the development of the BDCP EIR/EIS and looks forward to increased involvement in development of a BDCP that will lead to the recovery of the Delta ecosystem and to the benefit of all Californians.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marty Hanneman", with a stylized flourish extending from the end of the signature.

Marty Hanneman  
Assistant City Manager/  
Director of Utilities

cc: Honorable Darrell Steinberg, Senator  
Honorable Dave Jones, Assembly Member  
Mayor Kevin Johnson  
Sacramento City Councilmembers  
Mary Snyder, Sacramento County Regional Sanitation District  
Ray Kerridge, City Manager